

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NEWMARKET PHARMACEUTICALS,
LLC,

Plaintiff,

v.

VETPHARM, INC., DENNI O. DAY,
and PRELUDE DYNAMICS, LLC,

Defendants.

Civil Action No. 3:17-cv-01852
(MAS-TJB)

**DECLARATION OF KYLE D.
GOOCH IN SUPPORT OF
VETPHARM'S MOTION TO
CONFIRM THE ARBITRATION
AWARD AND ENTER JUDGMENT**

KYLE D. GOOCH, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am an attorney at law licensed to practice in the State of New York and admitted to practice before this Court *pro hac vice* in this action.
2. I submit this declaration in support of the motion of defendants VetPharm, Inc. and Denni O. Day (collectively, "VetPharm") to confirm the arbitration award issued by David C. Singer, an arbitrator with the American Arbitration Association ("AAA"), in an arbitration proceeding between plaintiff NewMarket Pharmaceuticals, LLC ("NewMarket") and defendant VetPharm, Inc., AAA Case No. 01-19-0000-6493 (the "Arbitration Proceeding").
3. Attached as **Exhibit A** is a copy of the final award issued by the arbitrator in the Arbitration Proceeding, which was initially issued January 21, 2020 and modified on February 25, 2020, excluding the statement of reasons that

accompanied the award. (The full document, which includes both the award and the statement of reasons, has been submitted to Magistrate Judge Tonianne J. Bongiovanni via email on January 31, 2020, as an attachment to correspondence from NewMarket counsel Joel A. Pisano.)

4. Attached as **Exhibit B** is a copy of NewMarket's statement of claim in the Arbitration Proceeding, dated May 17, 2019. The exhibit is being filed temporarily under seal pursuant to Local Civil Rule 5.3(c)(4) out of an abundance of caution to allow NewMarket to determine whether it will move to seal any confidential information therein.

5. Attached as **Exhibit C** is a redline creating using Workshare Compare software that compares NewMarket's complaint in this action to its statement of claim in the Arbitration Proceeding. The exhibit is being filed temporarily under seal pursuant to Local Civil Rule 5.3(c)(4) out of an abundance of caution to allow NewMarket to determine whether it will move to seal any confidential information therein.

6. For the reasons set forth in the accompanying memorandum of law, VetPharm respectfully requests that the Court issue a final judgment (i) confirming the parties' arbitration award under section 9 of the Federal Arbitration Act, 9 U.S.C. § 9; (ii) directing the Clerk of the Court to close this case; and (iii) granting such other and further as the Court may deem to be just and proper.

Executed on May 27, 2020.



Kyle D. Gooch